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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Plaintiff AMANDA BLACKHORSE, MARCUS BRIGGS, PHILLIP GOVER, SHQUANEBIN LONE-BENTLEY, JILLIAN PAPPAN, AND COURTNEY TSOTIGH
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 1,606,810 (REDSKINETTES)
Registered July 17, 1990,
Registration No. 1,085,092 (REDSKINS)
Registered February 7, 1978,
Registration No. 987,127 (THE REDSKINS & DESIGN)
Registered June 25, 1974,
Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)
Registered June 18, 1974,
Registration No. 978,824 (WASHINGTON REDSKINS)
Registered February 12, 1974,
and Registration No. 836,122 (THE REDSKINS—STYLIZED LETTERS)
Registered September 26, 1967

Amanda Blackhorse,)
Marcus Briggs,)
Phillip Gover,)
Shquanebin Lone-Bentley,)
Jillian Pappan, and)
Courtney Tsotigh)
)
Petitioners,)
)
v.)
)
Pro-Football, Inc.)
)
Registrant.)
_____)

Cancellation No. 92/046,185

**RESPONSE TO REGISTRANT'S
STATEMENT OF THE STATUS OF THE CIVIL ACTION**

In response to Registrant's Statement of the Status of the Civil Action, the Petitioners are desirous of an expeditious resolution of the legal issue of whether Registrant's trademarks are disparaging and are confident that such a resolution will lead to the cancellation of those trademarks. While the Petitioners are sympathetic with the Board's legitimate interest in judicial and regulatory economy, the Petitioners must also respectfully note that the proceedings now pending in the District Court of the District of Columbia, *Pro-Football, Inc. v. Harjo*, Civ. Action No. 99-1385 (CKK), and the Court of Appeals for the D.C. Circuit, *Pro-Football, Inc. v.*

Harjo, Civ. Action No. 03-7162 (collectively, the *Harjo* case)¹ are proceeding slowly. Although cross motions for summary judgment were completely briefed in the District Court as of April 2, 2007, nearly seven months later the District Court judge has not even set down the motions for oral argument. It is, therefore, possible that the above-referenced cancellation proceeding now pending before the Board could ultimately lead to a more expeditious resolution of the disparagement issue than the *Harjo* case.

Of course, one solution to the delay in the resolution of the disparagement issue would be for Registrant to waive its laches defense and allow the Court of Appeals to resolve the *Harjo* case based upon the disparagement issue. Such a waiver would be perfectly consistent with Registrant's assertion that delay in filing the original *Harjo* Petition to Cancel in 1992 prejudiced its economic interests. There is no sign that such a waiver will be forthcoming. Thus, even though it is now clear that the issue of disparagement will ultimately be resolved on the merits,² it is likely that the resolution of that issue will be delayed by prolonged litigation over the laches issue.³

In this context, the Petitioners reiterate their desire for an expeditious resolution of the disparagement issue. The Petitioners hereby respectfully request that the Board consider whether – given the delay in the *Harjo* case – it is appropriate for the Board to commence action

¹ The Court of Appeals has retained jurisdiction in *Harjo*; the reference to the Federal District Court is limited solely to the issue of laches.


² Given the fact that the *Blackhorse* petitioners include Native Americans who were 18 years of age at the time the petition was filed, no plausible laches defense can be asserted by Pro-Football.

³ The resolution of the *Harjo* case will not serve as a basis for collateral estoppel – on either the laches issue or the disparagement issue – against the *Blackhorse* petitioners who did not participate in any way in the *Harjo* litigation. Thus, *Harjo* will obviate the need to resolve the petition now pending before the Board only if the *Harjo* case is resolved against Pro-Football.

in this proceeding to the end of furthering the overriding public interest in an expeditious resolution of the disparagement issue.

Respectfully submitted,

Date: October 29, 2007

By: 
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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **RESPONSE TO REGISTRANT'S STATEMENT OF THE STATUS OF THE CIVIL ACTION** was served by First Class U.S. Mail this 29th day of October 2007 on Robert L. Raskopf, counsel for Registrant, at his address of record, c/o Quinn Emanuel Urquhart Oliver & Hedges, 51 Madison Avenue, 22nd Floor, New York, NY 10010.

